

# ***TOWN OF GARDINER***

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*Town Hall Offices - 2340 Route 44/55 Gardiner NY 12525*

*Marybeth Majestic  
Supervisor*

*Julia L. Hansen  
Town Clerk*

## **PROCUREMENT POLICY**

### **1. General purpose.**

These policies and procedures have been developed in compliance with New York State General Municipal Law S 104-b and to help protect local government taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for small procurements and other situations when competitive bidding is not required by law. Appropriate use of competition provides taxpayers with the greatest assurance that goods and services are procured in the most prudent and economical manner, goods and services of desired quality are being acquired at the lowest possible price and procurements are not influenced by favoritism, improvidence, extravagance, fraud or corruption.

### **2. Procedures for determining whether procurements are subject to bidding.**

[Amended 11-8-2012 by L.L. No. 1-2012]

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

- A. Determine whether the procurement is a purchase contract or a contract for public works. Formal competitive bidding is required for all purchase contracts above \$20,000 and contracts for public works above \$35,000.
  - (1) In general, a purchase contract is one which involves the acquisition of commodities (e.g., materials, supplies, or equipment). in general, a public works contract involves the provision of services, labor or construction. Where a contract involves both, it should be reviewed on a case-by-case basis and a determination made as to the total character of the contract. This analysis may turn on whether there is only an incidental amount of services or commodities in proportion to the entire contract.

- (2) If a determination is made that competitive bidding is not required, the following guidelines must be followed.
- B. Purchasing and procurement practices for the Town of Gardiner at the following thresholds are:
- (1) Purchase contracts equal to or below \$20,000.
    - (a) Under \$500: No quote required.
    - (b) From \$500 to \$3,999: two verbal quotes.
    - (c) From \$4,000 to \$20,000: three written quotes.
  - (2) Contracts for public works equal to or below \$35,000.
    - (a) Under \$1,000: No quote required.
    - (b) From \$1,000 to \$9,999: three written quotes.
    - (c) From \$10,000 to \$35,000: Public notice seeking written quotes.

### 3. Items excepted from policies and procedures.

The Town Board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the Town Board, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Gardiner.

- A. Emergencies. There are statutory criteria to be met to fall within this exception but, generally, there must be a present, immediate and existing condition which is creating an imminent threat or danger and which requires such immediate action. Emergency procurement must be documented with a statement that an emergency situation makes it necessary to forgo standard procedure. Documentation shall include the following as soon as circumstances permit.
- (1) Time and date of emergency.
  - (2) Description of threat to life, health or property.
  - (3) Notations of purchases, amounts and any cost comparisons obtained.
  - (4) Notification of Town Supervisor.
  - (5) Copy of documentation filed with Supervisor.
- B. Procurement from state, county, Department of Corrections. The exception for state or county contracts purchases applies only when purchases are made from the current state or county vendor, or in certain cases, a listed agent or distributor, whose contract has been extended to the Town of Gardiner.
- C. Professional services. Professional services involve specialized expertise, use of professional judgment, a relationship of personal trust and confidence, and/or a high degree of creativity.

- D. Sole source procurement. Such exemptions apply for goods or services for which there is not substantial equivalent and which are, in fact, available from only one source. Before making such purchases, a determination should be made that no other item provides substantially similar benefits and that the cost of the item is reasonable given the benefit derived from the purchase.
- E. Insurance. Insurance coverage, by New York State law, is not subject to formal competitive bidding. It is the policy of the Town of Gardiner to, from time to time, seek requests for proposals for insurance coverage; such procurement shall occur at a minimum of once every five years.
- F. Other. Other exemptions from the Town of Gardiner procurement policies and procedures include:
  - (1) True leases.
  - (2) Secondhand equipment from other governments.
  - (3) Certain food and milk purchases.
  - (4) Agencies for the blind and other severely handicapped. S 48-4. Documentation.

Purchases and contracts procured in accordance with this policy must be documented as follows:

A. Verbal quotations.

- (1) Telephone log listing date, time, name of vendor, telephone number called, item and price quoted.

B. Written quotations.

- (1) Statement shall include date, name of vendor, description of purchase contract or contract for public works, price quoted, signature of owner or other vendor agent.
- (2) Written quotes shall be copied for the Town Supervisor's office.

C. Requests for proposals.

- (1) Requests for proposals (RFPs) should be announced through public notice and/or by directly contacting a minimum number of professionals.
- (2) Where possible, a written solicitation should be prepared in advance.
- (3) Selection of professional may be based on factors other than quoted price as follows:
  - (a) Superior resumes.
  - (b) Locality experience.
  - (c) Staffing and suitability for needs.
  - (d) Experience from former Town projects.

(e) Rate of success performance experience.

(f) Specialty experience in field of project request.

## 5. Awards to other than the lowest responsible offer.

Anytime a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation of the factual reasons why the purchase is in the best interest of the Town of Gardiner and otherwise furthers the purposes of S 1 04-b.

## 6 Annual review

The Town Board shall annually review these policies and procedures to ensure they stay current and appropriate in order to meet any changing needs of the Town.

## 7. Input solicited from officers involved in procurement.

Department heads are directed to file with the Budget Officer written comments regarding any difficulty with these procedures.

## 8. Unintentional failure to comply.

- A. A good faith effort shall be made to obtain the required number of quotes. If the purchaser is unable to obtain the required number of quotes, the purchaser will document the attempt made to obtain such quotes. In no event shall the failure to obtain the proposals be a bar to the procurement.
- B. The unintentional failure to fully comply with the provisions of General Municipal Law S 104-b shall not be grounds to void action taken or given rise to cause of action against the Town of Gardiner or any officers or employees thereof.

## 9. Individuals responsible for purchasing and their titles.

<u>ENTITY</u>	<u>INDIVIDUAL RESPONSIBLE FOR PURCHASING</u>
ASSESSOR	TOWN SUPERVISOR
BOOKKEEPING	TOWN SUPERVISOR

BUILDING DEPARTMENT	BUILDING INSPECTOR
CODE ENFORCEMENT	CODE ENFORCMENT OFFICER
DOG CONTROL	TOWN SUPERVISOR
ENV. CONSERV. COMMISSION	CHAIRMAN
HIGHWAY DEPARTMENT	HIGHWAY SUPERINTENDENT
LIBRARY	LIBRARY DIRECTOR
OPEN SPACE COMMISSION	CHAIRMAN
PARKS & RECREATION	CHAIRMAN
PLANNING BOARD	CHAIRMAN
TAX COLLECTOR	TAX COLLECTOR
TOWN BOARD	TOWN SUPERVISOR
TOWN CLERK	TOWN CLERK
TOWN COURT	TOWN JUSTICE
TOWN ENTITIES NOT ON THIS LIST	TOWN SUPERVISOR
TRANSFER STATION	TRANSFER STATION MANAGER
ZONING BOARD OF APPEALS	CHAIRMAN